

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 523 Florida Civil Rights Hall of Fame  
**SPONSOR(S):** A. Williams and Carroll  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1354

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Governmental Affairs Policy Committee</u>	<u>9 Y, 0 N</u>	<u>Haug</u>	<u>Williamson</u>
2)	<u>Government Operations Appropriations Committee</u>	<u>13 Y, 0 N, As CS</u>	<u>Dykes</u>	<u>Topp</u>
3)	<u>Economic Development &amp; Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

The Legislature has established Halls of Fame in Florida. Some examples of Halls of Fame previously created include the Florida Women’s Hall of Fame, Florida Artists Hall of Fame, Florida Educator Hall of Fame, and Florida Sports Hall of Fame.

The bill creates the Florida Civil Rights Hall of Fame. The Florida Civil Rights Hall of Fame (Hall of Fame) will be located inside the Capitol Building in a public area designated by the Department of Management Services (DMS). DMS must consult with the Florida Commission on Human Relations (Commission) regarding the design and theme of the public area.

The Commission annually must accept nominations for persons to be recommended as members of the Hall of Fame and must recommend 10 persons from which the Governor will select up to three members. Each person selected will have a designation placed in the Hall of Fame. The bill provides criteria for the Commission to follow when recommending members to the Hall of Fame.

The bill establishes cost responsibilities between DMS and the Commission.

The bill appears to have an insignificant fiscal impact on DMS and the Commission, and costs can be absorbed within existing resources.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Florida Civil Rights Act of 1992<sup>1</sup>

Current law provides the "Florida Civil Rights Act of 1992" (Act). The general purposes of the Act are to:

...secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.<sup>2</sup>

The policy of Florida embodied in this Act is patterned after the Federal Civil Rights Act of 1964.<sup>3</sup>

##### Florida Commission on Human Relations

The Florida Commission on Human Relations (Commission) is a 12 member commission<sup>4</sup> assigned to the Department of Management Services.<sup>5</sup> Members are appointed by the Governor and confirmed by the Senate<sup>6</sup> and must broadly represent various racial, religious, ethnic, social, economic, political and professional groups within the state.<sup>7</sup>

The Commission is required to

... promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups.<sup>8</sup>

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<sup>1</sup> See Sections 760.01 – 760.11 and 590.092, F.S.

<sup>2</sup> Section 760.01(2), F.S.

<sup>3</sup> Pub. L. 88-353, 78 Stat. 241 (1964).

<sup>4</sup> Section 760.03(1), F.S.

<sup>5</sup> Section 760.04, F.S.

<sup>6</sup> Section 760.03(1), F.S.

<sup>7</sup> Section 760.03(2), F.S.

<sup>8</sup> Section 760.05, F.S.

The Commission is responsible for investigating complaints of discrimination in the areas of employment, housing, public accommodations and memberships in certain private clubs, as well as state employee whistle-blower retaliation.<sup>9</sup>

#### Halls of Fame in Florida

The Legislature has established Halls of Fame in Florida. Examples of Halls of Fame previously created include the Florida Women's Hall of Fame,<sup>10</sup> Florida Artists Hall of Fame,<sup>11</sup> Florida Educator Hall of Fame,<sup>12</sup> and Florida Sports Hall of Fame.<sup>13</sup>

#### **Effect of Proposed Changes**

The bill creates the Florida Civil Rights Hall of Fame. The Florida Civil Rights Hall of Fame (Hall of Fame) will be located inside the Capitol Building in a public area designated by the Department of Management Services (DMS). DMS must consult with the Commission regarding the design and theme of the public area.

The Commission annually must accept nominations for persons to be recommended as members of the Hall of Fame and must recommend 10 persons from which the Governor will select up to three members. Each person selected will have a designation placed in the Hall of Fame that provides information regarding the member's particular discipline or contribution, including vital information relating to that member.

The Commission must recommend persons who:

- Are 18 years of age or older;
- Were born in Florida or adopted Florida as their home state and base of operation; and
- Have made a significant contribution and provided exemplary leadership toward Florida's progress and achievements in civil rights.

The Commission may set specific time periods for acceptance of nominations and selection of members to coincide with appropriate activities of the Hall of Fame.

The bill establishes cost responsibilities between DMS and the Commission.

#### **B. SECTION DIRECTORY:**

**Section 1:** Creates s. 760.065, F.S., providing for the establishment of the Florida Civil Rights Hall of Fame.

**Section 2:** Providing an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>9</sup> Florida Commission on Human Relations, Media Information,

<http://fchr.state.fl.us/fchr/content/download/2624/7431/file/FCHR%20Media%20Information.doc> (last visited March 23, 2010).

<sup>10</sup> Section 265.001, F.S.

<sup>11</sup> Section 265.2865, F.S.

<sup>12</sup> Chapter 98-281, s. 13, Laws of Florida; s. 231.63, F.S. (1998 Supp.).

<sup>13</sup> Section 15.051, F.S.

2. Expenditures:

The bill appears to have an insignificant fiscal impact on the Department of Management Services and the Commission on Human Relations, and costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Management Services provided the following fiscal comment:

SB 1354 requires that DMS set aside "an appropriate public area of the Capitol Building for the Florida Civil Rights Hall of Fame and to consult with the commission regarding the design and theme of the area." The legislation does not identify a funding source for space alterations, design or related display features that may be necessary. Additionally, the legislation does not define "appropriate public area," which may lead to challenges in selecting the final location and amount of space allocated. It is also unclear if an appropriate area would require square footage that is currently subject to rent payments, based on current statute and bond resolution requirements.<sup>14</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a shared state tax or premium sales tax received by cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill appears to contain a drafting error. On line 36 the word "to" should be added between the words "pursuant" and "this."

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<sup>14</sup> *Id.*

#### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On April 6, 2010, the Government Operations Appropriations Committee heard HB 523 and reported the bill favorably as a committee substitute. The bill as filed did not clearly specify cost responsibilities relating to the Hall of Fame between the Department of Management Services (DMS) and the Commission on Human Relations (Commission). The bill also contained a technical drafting error omitting the word "to" in line 36.

The committee substitute establishes cost responsibilities between DMS and the Commission relating to the Hall of Fame, and corrects the drafting error.